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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/062,714	04/20/1998	NEIL S. ROTHMAN	212/219	3372

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EXAMINER

DEMILLE, DANTON D

ART UNIT PAPER NUMBER

3764

DATE MAILED: 06/09/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/062,714

Applicant(s)

ROTHMAN ET AL. *CR*

Examiner

Danton DeMille

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 12, 13, 15, 16, 18, 19, 21-25, 27, 28 and 30 is/are rejected.
- 7) ☒ Claim(s) 8, 14, 17, 20, 26 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. **Claims 6, 7, 12, 13, 21-25, 27, 28, 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom in view of Halperin et al. and Sandman.** Engstrom teaches a belt 1 circumferentially fit around the patient and a bladder 2 attached to the belt. The belt of Engstrom is intended to be strapped about the chest of the patient to be subjected to artificial respiration. The size of the belt would inherently be large enough to cover the length of the sternum in order to compress the chest. While Engstrom appears silent with regard to the exact dimensions of the belt such is well within the realm of the artisan of ordinary skill as exemplified by Halperin. The chest compression device of Halperin covers the length of the sternum of the chest. Engstrom also appears silent with regard to the exact composition of the bags 2. Any conventional bag would have been an obvious provision. Sandman teaches applicant's nylon coated fabric material as a composition for an inflatable bag for compressing the chest. It would have been obvious to one of ordinary skill in the art to modify Engstrom, if not inherent, to use a size to cover the length of the sternum as taught by Halperin to be able to adequately apply pressure to the chest and to use polyurethane coated nylon material as taught by Sandman for a light weight impermeable material.
2. **Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 6 above, and further in view of Curlee.** The exact dimensions of the bladder relative to the belt appear to be a matter of design tolerances. Manufacturing tolerances may allow instances where the bladder hangs over the width of the belt. There appears to be no unobviousness to whether the bladder hangs outside the belt. Figure 3 of Curlee

would appear to show the bladders extending outside the width of the belt. It would have been obvious to one of ordinary skill in the art to further modify Engstrom such that the bladder extends beyond the width of the belt as shown in Curlee as an obvious matter of design tolerances.

3. **Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 6 above, and further in view of Huxley III, et al.** Huxley teaches the convention of using a removable bladder so as to be able to replace the bladder. It would have been obvious to one of ordinary skill in the art to further modify Engstrom to removably attach the bladder as taught by Huxley so that the bladder can be replaced.

Allowable Subject Matter

4. **Claims 8, 14, 17, 20, 26, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Response to Arguments

5. Applicant's arguments with respect to claims 6, 7, 12, 13, 15, 16, 18, 19, 21-25, 27, 28, 30 have been considered but are moot in view of the new ground(s) of rejection.

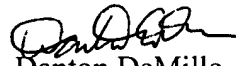
6. Applicant is arguing that the prior art doesn't teach the exact width of the belt being as long as the length of the sternum. Such dimensions are well within the realm of the artisan of ordinary skill. Such is a necessity if one is to provide complete pressure to the chest of the patient. Many prior art references teach this dimension. Engstrom may inherently comprehend this limitation however, there is no drawing showing the relative size therefore, Halperin is cited to teach such a convention.

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7. Applicant also argues that the prior art fails to teach top and bottom panels for the air bladder. All air bladders have top and bottom panels that are sealed around the periphery in order to form a bladder. One way or another all bladders are formed of two panels with an air chamber formed therebetween. It is not clear how applicant can deny that the prior art does not teach this.

8. Regarding Sandman, the prior art appears silent with regard to exactly what material is used for the bladder. Such is well within the realm of the artisan of ordinary skill. One looking for such details would go to Sandman because he teaches an inflatable bladder adapted to go around the chest of the patient and gets into the details of the material. Any conventional bladder material would have been obvious in Engstrom. Sandman teaches just such a material.

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